



STATE BOARD OF EDUCATION
TRUSTEES OF BOISE STATE UNIVERSITY
TRUSTEES OF IDAHO STATE UNIVERSITY
TRUSTEES OF LEWIS-CLARK STATE COLLEGE
BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO
STATE BOARD FOR PROFESSIONAL-TECHNICAL EDUCATION
TRUSTEES FOR THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND

STATE BOARD OF EDUCATION MEETING

November 16, 2004

J.R. Williams Building

East Conference Room

Boise, ID

A special meeting of the Idaho State Board of Education was held on November 16, 2004 in Boise, Idaho. Board President Rod Lewis presided. The following members were present in person or by conference phone:

Rod Lewis, President

Blake Hall

Susan Thilo

Milford Terrell, Secretary

Karen McGee

Marilyn Howard

The meeting was called to order at 4:00 p.m. on November 16, 2004 by Board President Lewis. A roll call was taken to confirm the attendance.

BOARDWORK

1. Agenda Approval

M/S (Lewis/Terrell): To change the order of the agenda by considering the charter school rule first. *Motion carried unanimously.*

STATE BOARD OF EDUCATION PENDING RULES

2. Approval of Pending Rules and Amendment to Temporary Rules Governing Charter Schools – Docket No. 08-0204-0401 and 08-0204-

Board President Lewis opened the floor for discussion of this item. Board member Terrell reported that he has received several comments concerning this rule suggesting that it lacks clarity as well as the possibility that some important things are missing from the rule. He also noted that he was unclear about some of the edits in the rule. For those reasons, he

recommended that action on this rule be delayed until it could be studied in more depth by a subcommittee appointed by Board President Lewis.

Board member Hall indicated that he understood the rule as it was written, but was willing to wait on a final decision to give others more time, if that was the desire of the Board.

Board member McGee said she had also heard some comments of concern regarding the rule and that it was missing some things, such as dual enrollment.

State Superintendent Howard recommended approving the rule and amending it at a future time if necessary.

Board President Lewis asked Board staff to provide information about the rule process should this rule not be approved.

Karen Echeverria, Office of the State Board, reported that there are temporary rules in place which were adopted at the August, 2004, Board meeting. She went on to discuss the options available to the Board on handling the temporary rule. One would be to submit it to the Legislature with a request for an extension. Another would be to not submit it to the Legislature, understanding that it would stay in place until the end of the 2005 Legislative Session. In that scenario, the Board could use the interim to study and amend the temporary rule, and adopt the pending rule while the Legislature is in session. Should that be the case, the rule would remain in place until the end of 2005 and could be submitted to the 2006 Legislature for final approval.

Board members Terrell and McGee reiterated that they have heard concerns about the rule from the charter school representatives. Board member Terrell indicated that the rules are unclear and incomplete in the view of some people. They both went on to encourage the Board to allow more time for scrutiny so that the best interests of the public are served.

Board member Thilo asked for further clarification and Board President Lewis responded. It was noted by Board staff that another public hearing would be required if there are substantive changes to the rule.

M/S (Terrell/McGee): To have the President of the SBOE put together a three-Board-member committee, with staff, to review, with public comments, and amend Pending Rules and Amendment to Temporary Rules Governing Charter Schools. *Motion carried 3-1 with 2 abstentions (Voting Yes -- McGee, Lewis and Terrell; Voting No -- Howard; Abstaining: Hall and Thilo).*

1. Approval of Pending Rules Governing Thoroughness – Failure to Meet AYP – Docket No. 08-0203-0402

Carissa Miller, Office of the State Board, briefly explained that the rule, which was modeled on the federal law, now has specific reference to the federal law in reference to eligible child, corrective action and choice. This language was added in follow-up to the questions posed at the November 12, 2004 Board meeting.

M/S (McGee/Terrell): To approve the Pending Rules Governing Thoroughness – Failure to Meet AYP – Docket No. 08-0203-0402. Motion carried unanimously.

3. Approval of Pending Rules Governing Thoroughness – Public Driving Schools – Docket No. 08-0202-0407

Karen Echeverria introduced Ms. Weaver, State Department of Education, and noted that the Department is agreeable to the changes proposed at the November 12, 2004 meeting of the Board having to do with removal of the nighttime driving hours for students and the late enrollment issue.

M/S (Lewis/Howard): To approve the Pending Rules Governing Thoroughness – Public Driving Schools – Docket No. 08-0202-0407; and approve the manual incorporated therein by reference with amendments, including Sections 1.4.1 and 1.5.4, to be consistent with those amendments made in the State Board Rules for Commercial Driving Schools. Motion carried unanimously.

At this time, the Board returned to the temporary Charter School rules. There was some question as to whether or not the original motion had sufficient votes to pass. Following brief discussion, and there being no additional debate, another motion was put forward.

M/S (Howard/Hall): To approve the Pending Rule, Amendment to Temporary Rules Governing Public Charter Schools. Motion failed 2-4 (Nay: McGee, Terrell, Thilo, Lewis).

Board President Lewis appointed Board members Terrell, McGee and Stone to serve on a subcommittee to review the Proposed Rules Governing Charter Schools; and to incorporate, as they feel appropriate, changes arising from public comment; and to bring those back to the Board before the closure of the 2005 Legislative session for approval by the Board as a new Temporary Rule.

M/S (Thilo/Terrell): To adjourn at 4:45 p.m. Motion carried unanimously.